

1 TERRY GODDARD  
Attorney General  
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL  
Assistant Attorney General  
4 State Bar No. 018311  
1275 W. Washington, CIV/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7681  
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**  
9

10 In the Matter of

11 **MAREN OLSEN,**

12 Holder of License No. S016682  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 10-0056-PHR

**CONSENT AGREEMENT  
FOR CIVIL PENALTY AND  
CONTINUING EDUCATION**

14  
15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Maren Olsen ("Respondent"),  
18 holder of Pharmacist License Number S016682 in the State of Arizona, and the Board  
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
26

1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing she could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against her.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 Complaint No. 3754 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, she may not  
25 revoke her acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that  
16 may be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement  
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
21 1901.01(B)(20), -1927(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.

24 ...

25 ...

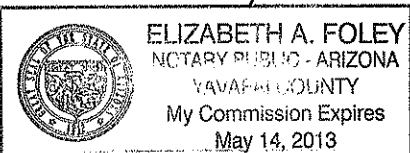
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Maren Olsen  
3 Maren Olsen

Dated: 4-29-10

4 Subscribed and sworn to before me in the County of Yavapai, State of Arizona,  
5 this 29th day of April, 2010, by Maren Olsen.



7 Elizabeth Foley  
8 NOTARY PUBLIC

9 My Commission expires: 05.14.2013

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the  
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number S016682 to practice as a  
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a  
16 pharmacist at Walgreens Drug #6666 (the "Pharmacy") in Prescott Valley, Arizona.

17 4. In April 2009, the Pharmacy incorrectly entered a prescription for  
18 hydralazine 50 mg as hydroxyzine 50 mg, and the incorrect medication was dispensed to  
19 patient GK. Respondent was not the verification pharmacist for the April 2009  
20 prescription, but did fail to document if counseling was provided when the prescription  
21 was picked up.  
22

23 5. Patient GK took the incorrect medication.  
24

25 6. In August 2009, patient GK dropped off a second prescription for  
26 hydralazine 50 mg. The Pharmacy once again incorrectly entered the prescription as

1 hydroxyzine 50 mg, and the incorrect medication was dispensed to the patient. The  
2 wrong prescriber was also entered.

3 7. Respondent was the verifying pharmacist for the August 2009 prescription,  
4 but did not catch the errors at verification.  
5

6 8. The patient did not take any of the incorrect medication from the August  
7 2009 prescription.

### 8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter and over  
10 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

11 2. The Board may discipline a pharmacist who has engaged in unprofessional  
12 conduct. A.R.S. § 32-1927(A)(1).

13 3. The conduct and circumstances described above constitutes unprofessional  
14 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or  
15 regulation relating to the manufacture or distribution of drugs and devices or the practice  
16 of pharmacy).

17 4. The conduct described above violated Arizona Administrative Code R4-23-  
18 402(A)(10)(b) (In dispensing a prescription medication from a prescription order, a  
19 pharmacist shall check prescription order data entry to ensure that the data input is for the  
20 correct drug by verifying the drug name, strength and dosage form).

21 5. The conduct described above violated Arizona Administrative Code R4-23-  
22 402(A)(10)(d) (In dispensing a prescription medication from a prescription order, a  
23 pharmacist shall check prescription order data entry to ensure that the data input is for the  
24 correct medical practitioner by verifying the medical practitioner's name, address and  
25 telephone number).  
26

6. The conduct described above violated Arizona Administrative Code R4-23-402(A)(11) (In dispensing a prescription medication from a prescription order, a pharmacist shall make a final accuracy check on the completed prescription medication).

7. The conduct described above violated Arizona Administrative Code R4-23-402(G) (Using a method approved by the Board or its designee, a pharmacist, graduate intern, or pharmacy intern shall document, or assume responsibility to document, that oral consultation is or is not provided).

## ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT Respondent shall:

1. Pay a civil penalty of \$1,000.00 within **90 days** of the effective date of this Order; and

2. Successfully complete and provide proof of successful completion to the Board of fifteen (15) contact hours (1.5 C.E.U.) of American Council on Pharmaceutical Education (ACPE) courses within **90 days** of the effective date of this Order. The course(s) shall be pre-approved by Board staff, shall be limited to topics dealing with error prevention and counseling and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C. R4-23-204.

3. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

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1 DATED this 12<sup>th</sup> day of May, 2010.

2  
3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

5  
6 By: 

7 HAL WAND, R.Ph.  
8 Executive Director

9 ORIGINAL OF THE FORGOING FILED  
10 this 12 day of May, 2010, with:

11 Arizona State Board of Pharmacy  
12 1700 West Washington, Suite 250  
Phoenix, Arizona 85007

13 EXECUTED COPY OF THE FOREGOING MAILED  
14 BY CERTIFIED MAIL

this 12 day of May, 2010, to:

15 Maren Olsen  
16 1998 Prescott Lakes Parkway #245  
Prescott, Arizona 86301  
Respondent

17 EXECUTED COPY OF THE FOREGOING MAILED  
18 this 12 day of May, 2010, to:

19 Elizabeth A. Campbell  
20 Assistant Attorney General  
21 1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the Board

22   
23 #780224  
24  
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